HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 28845 OF 1997

Between:

B. Sreenivasa Rao

… Petitioner

and

APSEB and others

… Respondents

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO.28845 OF 1997

ORAL ORDER:

By the proceedings dated 8.8.1997, the 3rd respondent informed the petitioner that his claim for pay fixation should have been made in March 1971 itself and that his representation, after lapse of 26 years, was time barred and was rejected. The relief sought for in this writ petition is for fitment benefit to the petitioner in the scale of pay of Maistry with effect from 1.4.1969 and for a direction to the respondents to allow all consequential benefits, including arrears of wages.

This writ petition has been filed in 1997, 26 years after expiry of the period in which such a claim ought to have been made. The reason given in justification for the inordinate delay of 26 years is that the grievance relating to fixation of pay and consequential benefits is a recurring cause of action and such an issue can never be barred by time. I am afraid I cannot agree.

It is well-settled that this Court, under Article 226 of the Constitution of India, would not, ordinarily, exercise its discretionary

jurisdiction to entertain belated claims, for which no reasonable explanation is given. The claim is for pay fixation from 1.4.1969 and is not a recurring cause of action.

The writ petition is accordingly dismissed. No costs.

RAMESH RANGANATHAN, J

DATE: 7.3.2007

CVM